

Message Text

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ACTION ARA-14

INFO OCT-01 IO-13 ISO-00 CIAE-00 PM-05 H-01 INR-10

L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11

OMB-01 TRSE-00 MCT-01 HA-05 AID-05 COME-00 EB-08

LAB-04 SIL-01 /106 W

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R 162141Z JUN 78

FM AMEMBASSY GUATEMALA

TO SECSTATE WASHDC 0653

INFO DIA WASHDC

AMEMBASSY MANAGUA

AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA

USMISSION USUN NY

USCINCSO QUARRY HTS CZ

C O N F I D E N T I A L SECTION 1 OF 2 GUATEMALA 3565

E.O. 11652: GDS

TAGS: PINT, PINS, PORG, SHUM, GT

REF: (A) GUATEMALA 3145 (NOTAL), (B) GUATEMALA 3221 (NOTAL)
(C) GUATEMALA 3273 (NOTAL), (D) GUATEMALA 3392 (NOTAL)

SUMMARY. THE PANZOS EPISODE SEEMED ON THE VERGE OF DISAPPEARING FROM THE HEADLINES WHEN VICE PRESIDENT-ELECT VILLAGRAN KRAMER, IN A WELL-PUBLICIZED LETTER TO MINGOV DONALDO ALVAREZ, ADMONISHED HIM FOR THE DENIAL OF SPANISH SISTER RAYMUNDA'S LEGAL RIGHTS (GUATEMALA 3392) AND SAID THAT SHE SHOULD BE BROUGHT BACK TO GUATEMALA.

2. IN A GOVERNMENT EFFORT TO HEAD OFF OUTBREAKS SIMILAR TO PANZOS, PRESIDENT LAUGERUD RUSHED THROUGH CONGRESS A BILL SUSPENDING PROCESSING OF NEW LAND TITLES AND CALLING FOR THE MINGOV TO INVESTIGATE EXISTING TITLES WHICH HAVE BEEN CON-
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TESTED. THE PRESS AND OTHERS SYMPATHETIC TO THE CAMPESINOS/ INDIANS SEEKING LAND ARE CONCERNED THAT THE DECREE MAY TO SOME EXTENT WORK TO THE DISADVANTAGE OF THE PEOPLE THE GOVERNMENT MEANS TO HELP. THE SAN CARLOS UNIVERSITY COUNCIL, MEANWHILE, HAS BEEN ASKED TO DENOUNCE THE PANZOS INCIDENT TO THE UN HUMAN RIGHTS COMMISSION. END SUMMARY

3. ALTHOUGH PANZOS HAD BEEN DISAPPEARING FROM THE HEADLINES, IT MOVED BACK TO THE FRONT PAGE ON JUNE 12 WHEN VICE PRESIDENT ELECT VILLAGRAN KARMER RELEASED TO THE PRESS A PERSONAL LETTER TO MINGOV DONALDO AL VAREZ. VILLAGRAN KRAMER'S SCATHING ATTACK ("THE DIFFERENCE BETWEEN A MINISTER OF GOVERNMENT AND A CHIEF OF POLICE IS THAT ONE REFLECTS ON THE CONSEQUENCES OF HIS ACTIONS...THE OTHER FOLLOWS ORDERS...") STATED THAT HE DID NOT DENY THAT THE STATE HAS THE RIGHT TO EXPEL MISSIONARY SISTER RAYMUNDA, BUT THAT UNDER THE CONSTITUTION A FOREIGNER HAS RIGHTS EQUIVALENT TO A NATIONAL, SUCH AS GETTING IN TOUCH WITH AN ATTORNEY. HIS OTHER THEME WAS THE SERIOUS DAMAGE TO GUATEMALA'S IMAGE THAT ARBITRARY POLICE ACTION CAN PRODUCE. TO IGNORE INTERNATIONAL RELATIONSHIPS, HE SAID, INVITED SERIOUS CONSEQUENCES. HE CONCLUDED THAT THE DECLARATION OF THE VERAPAZ BISHOP, WHO DENIED THE NUN WAS INVOLVED IN PARTISAN POLITICS, LED HIM TO SUBMIT "THESE THOUGHTS" TO THE MINISTER AND TO SUGGEST THAT THE GOVERNMENT AUTHORIZE HER RETURN WHILE IT REEXAMINES THE CASE. ALTHOUGH THE LETTER PRODUCED MOMENTARY EXCITEMENT, GIVEN ITS SOURCE, THE GOVERNMENT HAS NOT REPLIED. TO THE PRESS, ALVAREZ REPEATED MERELY THAT THE GOVERNMENT DID WHAT IT HAD TO DO.

4. ALSO RELATED TO PANZOS WAS THE GOVERNMENT-SPONSORED DECREE SUSPENDING THE ISSUANCE OF SPECIAL LAND TITLES (TITULOS SUPLETORIOS). THE BILL WAS RUSHED THROUGH CONGRESS ON JUNE 13 AS AN EMERGENCY MEASURE TO DEAL WITH THE PROBLEM OF LAND

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CONTROVERSIES AND IRREGULARITIES, ALTHOUGH IT HAS BEEN NOTED BY THE PRESS AND OTHERS THAT IN SOME INSTANCES THE NEW LAW MAY WORK TO THE DISADVANTAGE OF CAMPESINOS WHO THEMSELVES ARE SEEKING TO LEGALIZE POSSESSION OF LAND THEY OCCUPY. A TITULO SUPLETORIA IS ONE OF THREE WAYS TO OBTAIN TITLE TO PRIVATE LAND, THE OTHERS BEING INHERITANCE AND PURCHASE OF TITLED PROPERTY. A PERSON WHO WISHES TO CLAIM A PIECE OF LAND HAS HIS CLAIM RECORDED WITH THE PROPERTY REGISTRY. AT THE END OF TEN YEARS (DURING WHICH INVESTIGATIONS ARE SUPPOSED TO BE MADE WITH RESPECT TO POSSIBLE CLAIMANTS, ETC.), HE CAN REQUEST HIS LAND TITLE. OFTEN IN THE PAST THIS PROCESS HAS BEEN LESS THAN CONSCIENTIOUS. CHARGES ARE HEARD THAT THE CLAIMS ARE OFTEN BACKDATED TO FACILITATE ACQUISITION BY INFLUENTIAL PEOPLE. IN THE REASONING FOR THE DECREE, IT WAS NOTED THAT AMONG THE RURAL PEOPLE (I.E., CAMPESINOS/INDIANS) THE BELIEF EXISTS THAT SIMPLY OCCUPYING A PIECE OF LAND OR HOLDING A BILL OF SALE CONFERS OWNERSHIP. CONSEQUENTLY, PERSONS WERE ABLE TO TAKE ADVANTAGE OF THE IGNORANCE OF THE INDIANS AND TO OBTAIN LEGAL TITLE TO LAND WHICH THE INDIANS HAD CONSIDERED THEIR OWN FOR MANY YEARS. IN ADDITION TO SUSPENDING ALL PRESENT SPECIAL TITLING PROCEDURES, THE GOVERNMENT IS COMMITTED TO REEXAMINE THOSE CASES WHERE TITLES HAVE BEEN ISSUED, BUT WHERE CONTROVERSY

EXISTS. IT WILL BE UP TO THE NEW CONGRESS, INAUGURATED JUNE 15, TO PASS A NEW LAND TITLING DECREE.

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5. AT THE UNIVERSITY OF SAN CARLOS, THE NEW LAW SCHOOL DEAN, ROMEO ALVARADO POLANCO, A COMMUNIST PARTY MEMBER, HAS CHALLENGED FONMIN MOLINA WHO WAS QUOTED IN THE PRESS AS OPPOSED TO HAVING PANZOS DISCUSSED IN THE UN, BUT WHO DID ACKNOWLEDGE THAT THERE WAS NOTHING TO PREVENT COMPLAINTS BEING LODGED WITH THE UN HUMAN RIGHTS COMMISSION. ALVARADO REVEALED THAT THE EXECUTIVE COMMITTEE OF THE LAW SCHOOL HAD PETITIONED THE UNIVERSITY SUPERIOR COUNCIL TO DENOUNCE THE PANZOS EPISODE AND TO REQUEST A UN HUMAN RIGHTS COMMISSION INVESTIGATION. IF THE ARMY IS SHOWN TO HAVE BEEN AT FAULT, ALVARADO SAID, THE COMMISSION SHOULD ISSUE A CONDEMNATION OF THE GUATEMALAN GOVERNMENT.

6. COMMENT. NEITHER THE NEW DECREE NOR THE VICE PRESIDENT-ELECT'S DISAVOWAL OF THE CURRENT GOVERNMENT'S ACTION IN EXPELLING A MISSIONARY WILL DO MUCH TOWARD RESOLVING THE LAND TENURE PROBLEMS WHICH WERE AT THE ROOT OF THE PANZOS CONFRONTATION. THESE ESSENTIALLY REQUIRE A CREDIBLE AND POLI-
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TICALLY VIABLE SYSTEM FOR DISPENSING JUSTICE. DAMNED IF HE DOES AND DAMNED IF HE DOESN'T, PRESIDENT LAUGERUD'S DECREE SEEKS TO DAMPEN PASSIONS AND TO DEMONSTRATE GOOD INTENTIONS. THE ISSUE WILL NECESSARILY FLOW INTO THE NEW ADMINISTRATION.

7. VILLAGRAN KRAMER'S GESTURE COULD NOT HAVE BEEN MADE WITHOUT PRESIDENT-ELECT LUCAS' BLESSING. VILLAGRAN FIRST ISSUED A STATEMENT ON PANZOS ON HIS JUNE 3 RETURN FROM THE UNITED STATES, IN WHICH HE LAMENTED EVENTS IN PANZOS AND CALLED FOR MEASURES TO PREVENT A RECURRENCE (GUATEMALA 3273). THE STRONGER STATEMENT ON THE MISSIONARY, WHILE IN KEEPING WITH VILLAGRAN'S LEGAL PHILOSOPHY AND ESPOUSED IN A PERSONAL VEIN, APPARENTLY SEEKS TO DISTANCE THE INCOMING ADMINISTRATION STILL FURTHER FROM THE OLD. IT PUNCTURES RUMORS THAT ALVAREZ MIGHT BE ONE OF THE FEW CABINET REPEATERS IN THE NEW ADMINISTRATION--A MIXED BLESSING FOR US INTERESTS IN THAT ALVAREZ' HUMAN RIGHTS PERFORMANCE HAS BEEN BETTER THAN A NUMBER OF PREDECESSORS AND HE HAS BEEN HELPFUL TO US IN THE NARCOTICS CONTROL AREA. NEVERTHELESS, VILLAGRAN'S POSITION HAS RAISED HOPES AMONG LIBERAL GUATEMALANS, INCLUDING CHURCHMEN CRITICIZED BY THE MINISTERS OF GOVERNMENT AND DEFENSE, THAT THE CLIMATE OF HUMAN RIGHTS AND DUE PROCESS WILL IMPROVE UNDER LUCAS. GUATEMALAN POWER DYNAMICS, REPORTS OF MILITARY CHAFING AT LAUGERUD'S "PERMISSIVENESS" AND INDICATIONS OF AN INTENSIFICATION OF LEFTIST TERRORISM MAY MAKE SUCH HOPES OVERLY OPTIMISTIC. ANDREWS

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